

Remarks

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed March 9, 2004. Claims 1-19 were rejected.

Claims 1-19 were originally presented. Claims 1-19 remain in the application. Claims 20-24 have been added. Support for claims 20-24 can be found at least in the third sentence of paragraph 24 on page 9 of the application as filed, and/or in FIGs. 1 and 6.

Claim Rejections

Claims 1-7 and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,484,913 ("Hancock '913"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hancock '913 in view of Meeks 6,199,734. Claims 10-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hancock '913 in view of Gates et al. 6,626,339.

It is respectfully submitted that the invention as claimed in the present application was conceived and reduced to practice prior to July 23, 2001, the filing date of the Hancock '913 patent. Please see the attached Declaration and its accompanying Exhibit. Pursuant to MPEP § 715.07, Applicant prefers not to disclose its actual date of conception and reduction to practice.

Accordingly, the rejections based on the Hancock '913 reference are rendered moot and Applicant respectfully requests that they be withdrawn and the claims passed to issue.

Conclusion

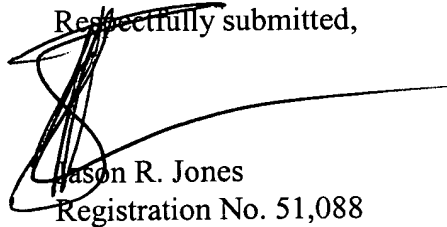
In light of the above, Applicant respectfully submits that claims 1-24 are in condition for allowance. Therefore, Applicant requests that the rejections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Response, the Examiner is strongly encouraged to call Garron M. Hobson or Jason R. Jones at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Check number 19470 is included in the amount of \$327.00 for the addition of two (2) dependent claims, claims 20-21, and three (3) independent claims, claims 22-24; and for the fee under 37 C.F.R. § 1.17(p) for submission of the Supplemental IDS enclosed herewith. It is noted that no extension of time is necessary to timely file this Response.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Response to Deposit Account No. 20-0100.

DATED this 26TH day of MAY, 2004.

Respectfully submitted,



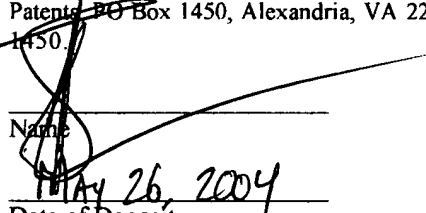
Jason R. Jones
Registration No. 51,088

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633



PATENT APPLICATION
DOCKET NO. T9864

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR:	Gates, et al	CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8 I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.  Name _____ Date of Deposit <u>MAY 26, 2004</u>
SERIAL NO.:	09/941,513	
FILED:	August 28, 2001	
FOR:	OFFSET HOLDING DEVICE	
ART UNIT:	3727	
EXAMINER:	Stephen K. Cronin	
DOCKET NO.:	T9864	

DECLARATION OF GEORGE D. GATES
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks
Washington, D.C. 20231

I, George D. Gates declare as follows:

1. I am a named inventor in the above-captioned application and of the subject matter described and claimed therein.
2. It is my understanding that various claims in the above-recited patent application have been rejected in view of U.S. Patent No. 6,484,913 filed July 23, 2001 and issued to Dennis and Jeffrey Hancock on November 26, 2002.
3. The invention as described and claimed in the above-reference patent application was conceived and reduced to practice prior to July 23, 2001. The accompanying Exhibit contains a copy

of drawings I had prepared that show the features of a finished, manufactured product. I submitted the drawings prior to July 23, 2001 to Thorpe, North & Western, LLC, for the purpose of preparing and filing a patent application. The drawings show features of the product that include every limitation of pending independent claims prior July 23, 2001.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 19 day of May, 2004.


George D. Gates



Exhibit to Declaration of George D. Gates

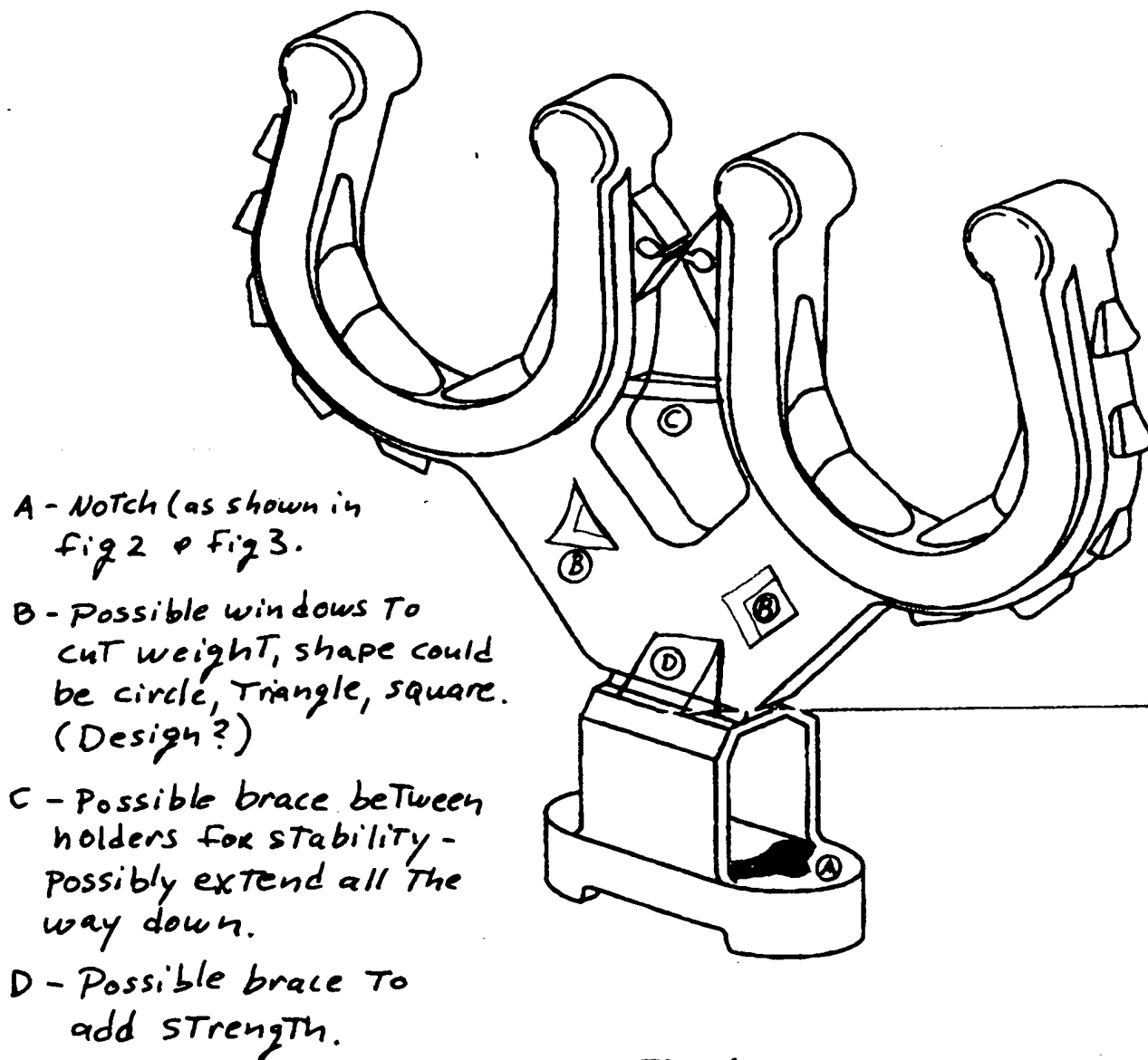


Fig. 1



BEST AVAILABLE COPY

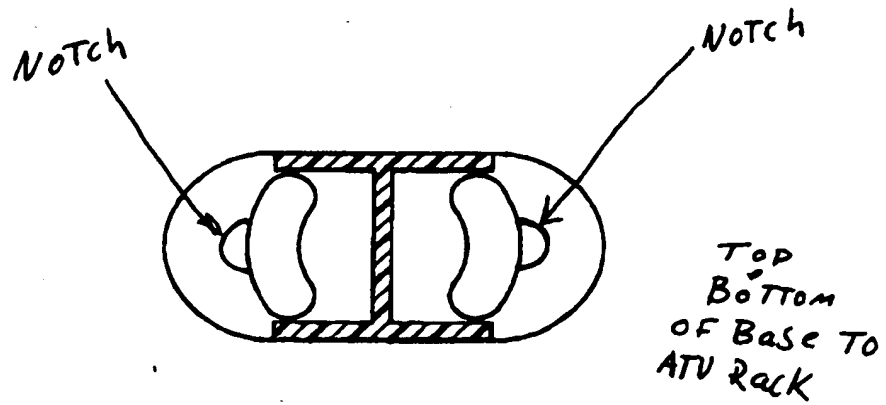


Fig. 2

Added notch on both sides to accommodate a larger U-Bolt and to fit better when used on a Flat cargo rack

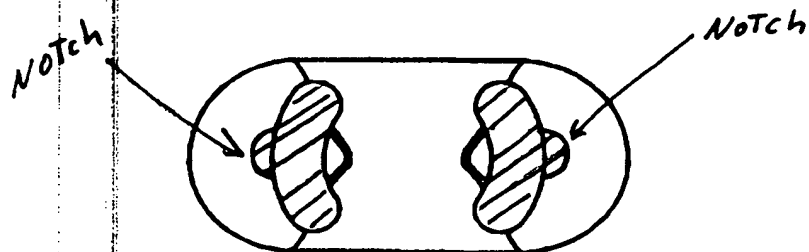
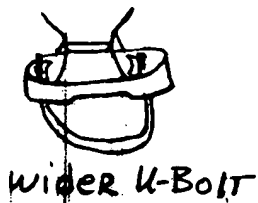
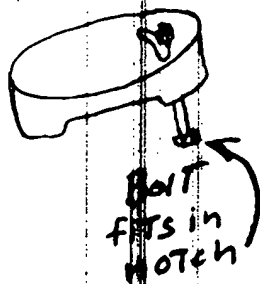



Fig. 3





PATENT APPLICATION
DOCKET NO. T9864

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR:	Gates, et al	CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8 I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.  _____ Name May 26, 2004 _____ Date of Deposit
SERIAL NO.:	09/941,513	
FILED:	August 28, 2001	
FOR:	OFFSET HOLDING DEVICE	
ART UNIT:	3727	
EXAMINER:	Stephen Cronin	
DOCKET NO.:	T9864	

DECLARATION OF TRAVIS D. GATES
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks
Washington, D.C. 20231

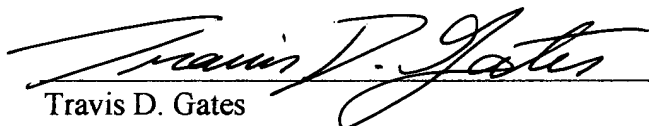
I, Travis D. Gates declare as follows:

1. I am a named inventor in the above-captioned application and of the subject matter described and claimed therein.
2. It is my understanding that various claims in the above-recited patent application have been rejected in view of U.S. Patent No. 6,484,913 filed July 23, 2001 and issued to Dennis and Jeffrey Hancock on November 26, 2002.
3. The invention as described and claimed in the above-reference patent application was conceived and reduced to practice prior to July 23, 2001. The accompanying Exhibit contains a copy

of drawings I prepared that show the features of a finished, manufactured product. I prepared and submitted the drawings prior to July 23, 2001 to Thorpe, North & Western, LLC, for the purpose of preparing and filing a patent application. The drawings show features of the product that include every limitation of the pending independent claims prior July 23, 2001.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 19th day of May, 2004.


Travis D. Gates

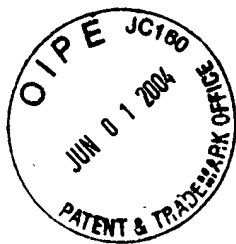
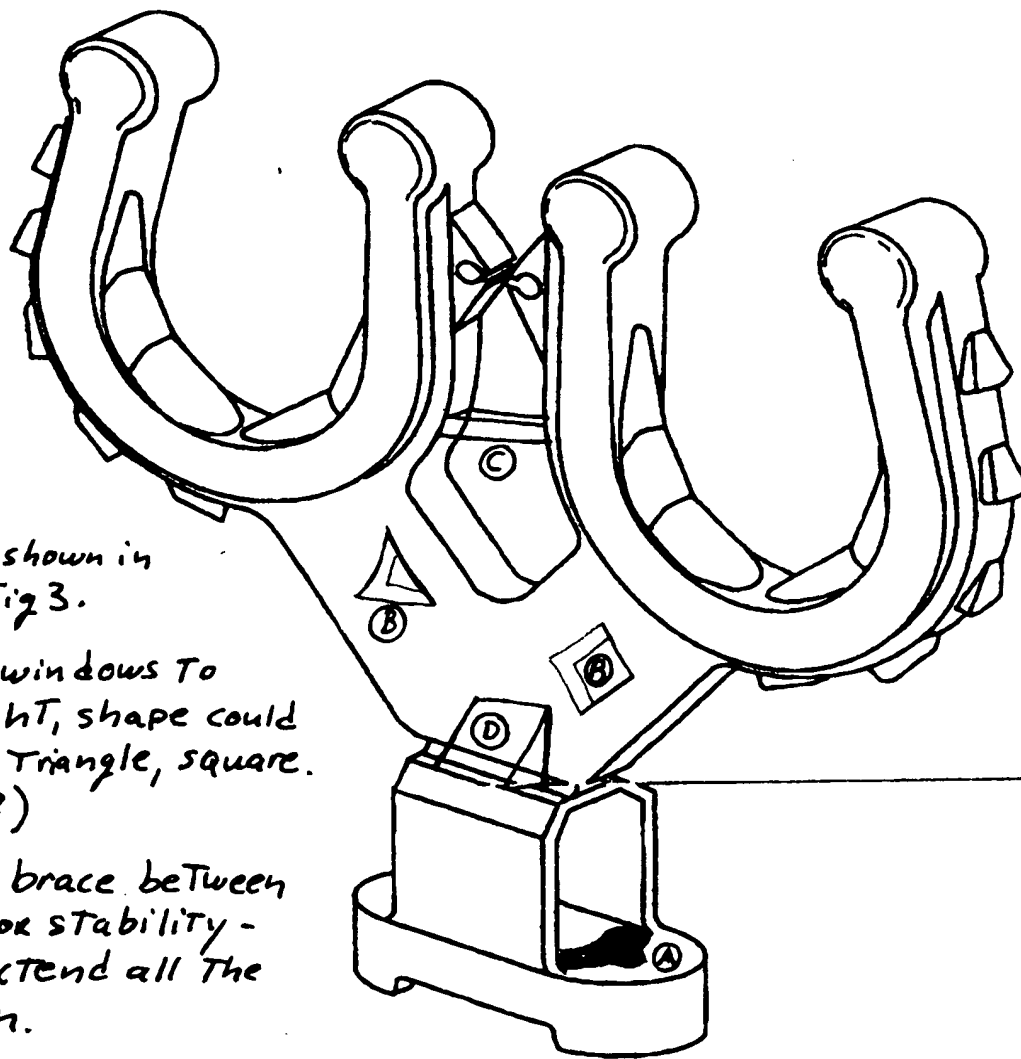


Exhibit to Declaration of Travis D. Gates



A - Notch (as shown in
Fig 2 & Fig 3.

B - Possible windows To
cut weight, shape could
be circle, Triangle, square.
(Design?)

C - Possible brace between
holders for stability -
Possibly extend all the
way down.

D - Possible brace To
add strength.

Fig. 1



BEST AVAILABLE COPY

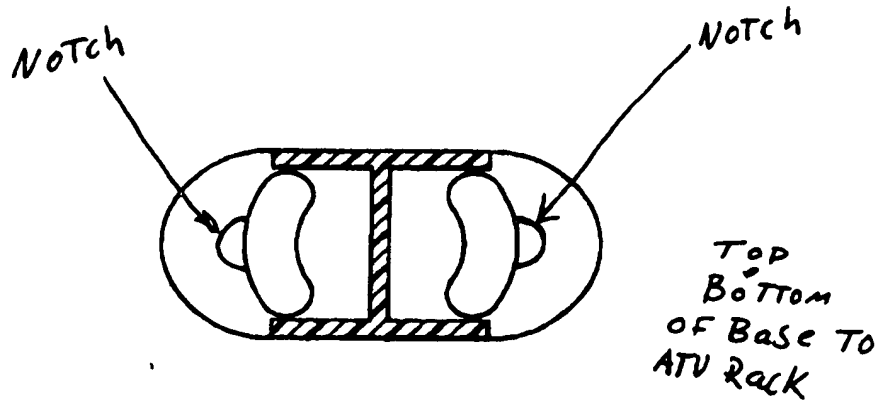


Fig. 2

Added notch on both sides to accommodate a larger U-Bolt and to fit better when used on a flat cargo rack

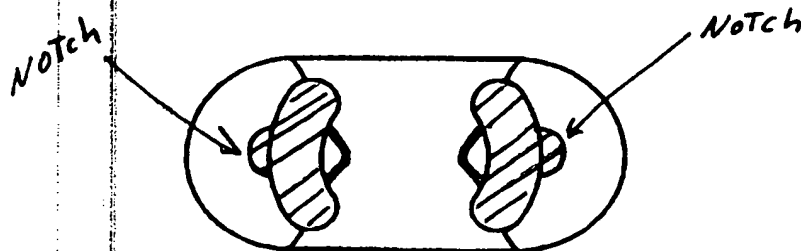
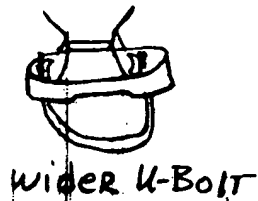


Fig. 3

